Women, Sex & Work

Intervention

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sex work & women's movement

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Interpretation

This paper places the development of sex workers' movements over the past two decades within the historical context of feminist discourses on violence against women. The paper discusses the importance of the discourse on violence against women in framing contemporary abolitionist campaigns that seek to criminalize sex work. It goes on to discuss the contemporary context, including the status of alliances and dialogue between women's, LGBTQ, and sex workers' movements, focusing on India. The history of responses to the HIV/AIDS epidemic and the question of agency are also discussed. The paper ultimately calls into question the effects of using a liberal framework to craft interventions in the governance of sexual commerce. The argument presented here is derived from the author's research on sex work in India, and from participation in LGBTQ, feminist, and sex workers' movements in India and in the U.S.

This paper traces the relationship between sex workers' and feminist movements in India in order to identify and explore insights in some of the most dynamic and controversial areas for advocacy and policy making within the growing intersections of sexuality and human rights. In so doing, the paper marks the current moment of change between and among women's and sex workers' movements, and explores what the significance of sex worker-led activism might be for sexuality-related research and jurisprudence. Given that feminist and sex workers' movements address issues of gender based inequality, the state, and health, the paper marks this moment by asking why these movements have

developed distinctly from one another? In particular, why have mainstream feminist organizations historically eschewed individual sex workers as feminist contemporaries and comrades, in favor of either regarding sex workers as objects of rescue, or as adversaries in the aim of achieving gender equality? To be sure, the evolution of sex worker movements is distinct from that of 'feminist' or 'women's' movements. The histories of these movements are outlined briefly in the sections that follow, in order to place the contemporary intersections of these movements in some context. At the outset, it is instructive to consider some of the theoretical and strategic tensions between them.

The first of these sets of tensions derives from the relationship that progressive social movements have had to the selling of sexual services. Despite the reality that sex workers come from all backgrounds, and inhabit the gamut of genders, races, castes, and classes, social movements that aim to represent the interests of socially and politically marginalized groups have rarely included sex workers as legitimate allies or members of other social movement formations. Rather, over the course of the twentieth century, the interests of people who sell sexual services have been represented by other social movements as, at best, embodying evidence of social and political inequality. At worst, when not fighting for them, social movements of all stripes have mirrored the mainstream in treating sex workers as immoral pariahs.

While most non-sex workers' social movements have iterated the belief that sexual services should never be paid for [with money], the movements that have taken a politicized position against financially transacted sex have done so for their own reasons, and in their own, particular ways. Women's movements have been among the most vocal about prostitution because prostitution, which is discursively embodied by a *female* sex worker, was held up as evidence of the existence of patriarchy early in the development of a contemporary feminist political and theoretical framework. While transacting sexual services for money has been

presented by some feminists as an indication of the reduction of women's bodies to a singular, objectified image and function, many sex workers and sex worker advocates have forcefully argued that this is a mistaken orientation. The conflation of prostitution with the summary objectification of women is one way in which some women's movements have precluded the inclusion of sex workers as feminists in those movements. According to this formulation, female sex workers can only be victims of systematic patriarchal oppression, and therefore symbolic of that oppression, or participants in perpetuating that oppression on other women.

Some feminists have extrapolated this equation between prostitution and gender-based inequality to argue for a full-blown abolitionist perspective on sexual commerce itself. This perspective is a familiar one for activists who have been engaging with the various feminist and sex worker positions in the discursive arena of human trafficking. The feminist abolitionist position on sex work has tended to conflate prostitution, human trafficking, and violence. The shifting impasse between feminist and sex workers' rights movements has been a focal point of feminist debates, as it has become even more crucial to specify to *which* political category of feminists and sex workers one is referring when describing the polarities of the debate on, in particular, juridical responses to prostitution.

The impasse may be shifting, in part, because sex workers' organizations have grown in number and size, thanks to a number of historical developments that are also reviewed in this paper, and have begun to articulate a perspective on sex work that aims to center the questions of class, livelihood, criminalization, and state-sponsored regulation. Sex workers' and feminist organizations in India have begun establishing both formal and informal ties in recent years that have challenged the existing status quo on the issue of transactional sex in the women's movement writ large. The integration of queer women, lower caste women, and sex workers at the 2006 conference for National Autonomous

Women's Movements in Calcutta, India, was a case in point. The statement released by the conference coordinating committee, entitled "Challenging Divisiveness, Affirming Diversities" read, in part:

"We believe that as women, we share common interests and goals, and hence come together in our collective struggles. But caste, nation, class, religion, ethnicity, sexuality, ability or disability are deeply rooted social constructs which create multiple identities for many of us. Consequently, the politics of identity throws up several contradictions, yet we remain committed to recognizing and respecting these 'diversities' even as we seek justice for the inequities that result from them. In particular, we seek support for the struggles of women who are made further vulnerable by specific facets of their identities – as adivasis, dalits, poor and working class, religious minorities, lesbian, bisexual, transgendered, sex workers, disabled, and women of other socially marginalised groups.

We believe as women we must have the right to make choices about our lives, our bodies, our sexuality and our relationships. We also recognise that these choices are not unchanging. We commit to creating the space for different choices to be recognised and evolving the supportive structures that can make all of these choices a meaningful reality. We reiterate our commitment to continue our efforts to realise these expressions of our politics and struggle, and to support the struggles of all who seek justice, with a vision that remains autonomous of the discourse of dominant powers and politics."[1]

While there is a growing sense that sex worker and feminist organizations must continue to recognize their overlapping constituencies and concerns in order to build alliances with one another, there also remains an entrenched sense of

1 http://www.sacw.net/Wmov/TowardsaPoliticsofJustice.html, accessed August 15, 2010.

political difference between sex worker movements and the mainstream women's movement in many countries, including India. These tensions are palpable in debates on human trafficking, in particular. In the following sections, I detail aspects of the history of debates on prostitution, pornography, and violence against women in the development of contemporary feminism in India in an effort to contextualize the current internationalized discourse on transactional sex and human trafficking.

trafficking

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prostitution

Trafficking and Prostitution

While a complete discussion of the history and critiques of the discourse on human trafficking is far beyond the scope of this paper, a discussion of the intersections between sex worker and feminist movements entails reviewing some of the critiques of human trafficking for two reasons. First, because human trafficking and prostitution have been used as nearly interchangeable terms since the turn of the twentieth century by humanitarian activists and law-makers alike, a semantic and political development that emerged from late nineteenth century concerns about 'white slavery.' Second, because the debate about legalizing, criminalizing, or decriminalizing prostitution within national and international fora has been framed as the challenge of crafting appropriate state-sponsored solutions to address human trafficking. The challenges of the debates on prostitution and human trafficking have been both compounded and produced by the ideological cast imbued in the terms 'prostitution, 'trafficking,' and 'sex work' themselves.

The definition of trafficking itself has been disputed among feminists on ideological grounds; feminists seeking the abolition of prostitution altogether have argued that, because prostitution is equivalent to violence against women, trafficking and prostitution are also equivalent terms. Non-abolitionist advocates have responded by insisting that the term 'human trafficking' should cover the forced movement of people across borders and long distances for any labor,

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and should not be primarily linked with prostitution.[2] The current, widely accepted definition of human trafficking contained within the 'Palermo Protocol'[3], may be understood as an addendum or a clarification to the Convention Against Transnational Organized Crime, a multilateral treaty negotiated and adopted in 2000 by the member states of the United Nations. The Palermo Protocol was adopted in 2003, and, while it was a compromise between many different actors, it does succeed in defining human trafficking according to the conditions by which people are transported for work (e.g., "deception and deceit"), and not solely by the work for which they are transported (e.g., "prostitution"). However, the anti-trafficking interventions undertaken under the rubric of the Protocol still belie many of the long standing disputes in definitions and emphases of human trafficking.[4] Given the history of discourses of prostitution and trafficking, it is important to recall that the interest and resources for anti-trafficking work did not emerge out of a vacuum. The contemporary international anti-trafficking framework is the result of a complex interplay between and among the priorities of governments and social movements like women's movements. The long history of feminist engagements with questions of violence against women, sexuality, and sexual commerce offers a fundamental context for understanding the ways in which trafficking has become a growth sector in the development industry over the past decade.

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2 A classic analysis of the contemporary trafficking discourse in the late 1990s can be found in Wendy Chapkis' article "Trafficking, Migration, and the Law: Protecting Innocents, Punishing Immigrants," Gender & Society, Vol. 17 No. 6, December 2003 923-937.

3 The full title is "Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime." It can be found at http://untreaty.un.org/English/TreatyEvent2003/Texts/treaty2E.pdf.

4 Doezema, Jo. "Who gets to choose? Coercion, consent, and the UN Trafficking Protocol." Gender & Development, 1364-9221, Volume 10, Issue 1, 2002, Pages 20 – 27.

feminism

force

choice

&

race

Feminism, Force, Choice, and Race

In order to understand the current state of affairs surrounding the politics of sexual commerce and social movements, it is worth recapping the history of contemporary feminist interventions on violence against women. By the late 1960s, a discourse of articulating and overcoming women's oppression, in particular, had taken hold among some groups of people around the world, particularly in places that had seen a consolidation of women's activism at the turn of the twentieth century around the issues of universal suffrage, in most Western countries, and anti-colonialism, in many places in the Global South, including South Asia, Central and South America, and Subsaharan Africa. Early feminist movements the world over were influenced by existing social movements in their countries, including leftist and, in the case of the U.S., the anti-war movement. The women's movements that were forming at this time had the broad commonalities of being focused on ending violence against women, and, by the mid-1970s, on building feminist institutions, e.g. women's centers, and government departments and ministries, that would sustain the women's movement and help it to grow. The political concerns of many feminist organizations at this time revolved around the problem of violence against women in particular, and focused on campaigns like the recognition of marital rape as a crime, the legal protection of women from domestic violence, and reproductive choice. The rule of law with respect to women was a focal point in the campaigns on violence against women.

The emphasis on the rule of law in feminism had many unforeseen consequences. In the U.S., for example, this emphasis has been criticized for effectively reifying the state. The call to ban pornography by anti-prostitution feminists like Andrea Dworking and Catherine MacKinnon in the 1980s is a well-known example of a feminist appeal to the state, and resonates with some contemporary feminists' call to abolish prostitution by criminalizing it. Both pornography and prostitution have been defined as instantiations of 'violence against women' by feminists who argued that both are examples of the commoditization and objectification of women. In addition to offering a model for feminist collaborations with the state, feminist anti-pornography activists were able to consolidate their positions on violence, gender and consent. These themes re-emerged within the context of the discussion on 'forced' versus 'voluntary' sex work among feminist human rights activists working in international venues like the U.N. system during the 1990s.

The categories 'forced' and 'voluntary' have been deployed in debates over the language that distinguishes 'trafficking' and sexual commerce in international human rights instruments. The assertion of these categories can be found in many key U.N. documents, including General Recommendation 19 of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), in the Declaration on the Elimination of Violence Against Women, and in position papers and statements issued by the United Nations Special Rapporteur on Violence Against Women, as well as being found in the Palermo Protocol itself. Sex workers' rights advocates have come to question the utility of the emphasis on 'forced' versus 'chosen' prostitution in furthering a progressive position on sex work within these debates. In particular, non-abolitionist advocates have argued that making this distinction leads to constituting two classes of sex workers, one that deserves legal protection, and another that does not. Jo Doezema has observed, "No international agreement condemns the abuse of human rights of sex workers who were

not 'forced'."[5] She cites two main reasons for this. The first is that, although prostitution is generally criminalized in law, there is no one clear response to 'voluntary' prostitution from feminists. The second is that, in respecting the right to self-determination for sex workers' rights organizations to lobby for themselves, it is more feasible, in terms of international law, to gain support for a negative rights claim: e.g., that a women should be free from coerced prostitution, rather than arguing for a positive rights claim, e.g. the right to sell sexual services, while challenging the structures, institutions, and people that may violate sex workers' human rights.

The notion of two 'classes' of sex workers, as structured, for example, by the historically tenacious forced-voluntary dichotomy, can be used as an interpretive lens for thinking through the myriad ways in which sex workers are dichotomously categorized as deserving/undeserving, moral/immoral, and powerful/disempowered. One important geographic vector for discerning the formation of dyads and dichotomies in the discourse on sexual commerce is the politics of the differential representation of sex workers in the Global North and the Global South. Considering the North/South politics of the discourse on prostitution provides an opportunity to reflect on the ways in which prostitution is, and has been, a racialized discourse, as well as providing a way to geopolitically situate the issues presented in this paper.

Historian Philippa Levine offers one trajectory for the racialization of prostitution, through the history of British colonialism in India. Discussing the nineteenth century rise in official concerns about British soldiers having relationships with 'native' women in the colonies, including soldiers cohabiting with local women and having children with them, Levine argues that soldiers were encouraged to become clients of sex workers instead, a move which may have given rise to

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5 Kamala Kempadoo and Jo Doezema (Eds.) Global Sex Workers: Rights, Resistance, and Redefinition. New York : Routledge, 1998. P. 13.

the brothel system in many places, including Bombay. These concerns about miscegenation in the colonies coincided with the entrenchment of allopathic medicine, public health, and humanitarian social work around this time. Given this nexus of emergent discourses,

"The prostitute fulfilled a role as the most degraded of women, a polluted and despised wretch removed from decency but nonetheless providing a "necessary" outlet. As masculine and feminine roles became more sharply defined in the nineteenth century and as fears of VD grew, the prostitute as a social problem acquired greater urgency. Weighted down with a confused medico-moral baggage tied to long-standing conceptions about gender, class, and race, prostitution symbolized difference. As such, it could also serve to yoke "lesser" populations to ideas of sexual disorder, offering a veritable commentary on the savagery and barbarism of colonized peoples."[6]

The idea that sex workers in the British colonies would represent that which is degraded, savage, and barbaric dovetails with Chandra Mohanty's argument in her famous essay "Under Western Eyes," first drafted during the early years of American 'second wave' feminism, on the cusp of the fissure in U.S. feminism over pornography. Mohanty argues that the beginning of second wave feminism in the West, e.g., from the late 1960s and early 1970s in the U.S. and the U.K., was laced with the belief that women in the Global South did not enjoy the same rights, freedoms, or social movements that were available to women in the West. Mohanty argued that 'third world women' were constructed as "a homogeneous 'powerless' group often located as implicit *victims* of particular socioeconomic systems."[7] The contemporary

6 Philippa Levine, Prostitution, Race, and Politics : Policing Venereal Disease in the British Empire, New York : Routledge, 2003. P. 179

7 Mohanty, Chandra Talpade. "Under Western Eyes: Feminist Scholarship and Colonial Discourses," in Third World Women and the Politics of Feminism, edited by Chandra Talpade Mohanty, Ann Russo, and Lourdes Torres (Bloomington: Indiana University Press, 1991), pg. 57, emphasis in the original.

abolitionist rhetoric of forced prostitution draws a critique that consolidates both Levine's historicized argument about sexual disorder and degradation and Mohanty's argument on the homogeneity of victimization with which women in the Global South were cast. It does this by primarily locating forced prostitution, and its attendant remedies (including 'rescue' and 'rehabilitation'), in the Global South itself, as embodied by poor female migrants from the Global South living in the U.S. and Western Europe, or as embodied by poor women of color living in the U.S.

To be sure, articulating a critique of 'force' in this discourse is not to say that people are never compelled to sell sexual services against their will, nor is it to say that 'force' is not a relevant term for describing what some sex workers experience during the course of their working lives. It is to say that the iconicity of 'forced prostitution' has been produced by a powerful nexus of historical forces, and often stands in as the 'common sense' about women in the Global South and women of color in the West who sell sexual services. This perspective potentially occludes other perspectives, experiences, and political critiques on force, choice and sexual commerce.

The iconicity of female sex workers from the Global South, and of women of color in the West, includes a victim narrative of having been abducted and sold into the industry, or having 'no choice' but to enter prostitution because of poverty. The latter narrative has given rise to an anthropomorphic sense of poverty, when advocates argue, for example, that poverty 'traffics' women and girls into prostitution. 'Forced prostitutes' are usually portrayed as helpless, unwitting, and non-Western, and are often attached to certain iconic stories, like being sold into prostitution by extremely impoverished families, while 'voluntary sex workers,' if they are represented in the debate at all, are presented as unrepentant, agentative, immoral, and Western. The iconic image of the 'Western' (read: Global North) sex worker embodies the epitome of Western libertarian sexual mores and privilege, and makes a 'free

choice' to enter the trade. This image of a white Western sex worker effectively structures non-white, non-Western sex workers as its opposite and other, and vice versa. Each image needs the other in order to be legible within the larger framework as it currently stands.

This notion of forced prostitution also resonates with the major strains of the abolitionist anti-trafficking position that asserts a narrative of prostitution and trafficked women in which all female sex workers are thought to have some rural and impoverished point of origin, having little or no real agency in their trading sex for monetary and other material resources. The consistent deployment of the tropes of the evil trafficker and the helpless woman or girl who is unwittingly lured from rural agricultural production into the urban sex industry is itself reminiscent of 19th century European anxieties regarding industrialization, urbanization, and modernization. In the contemporary South Asian context, for example, these anxieties may be mapped onto critiques of Western economic neo-imperialism, and inspire 'rescue' efforts directed at female sex workers working in red light districts in major cities. 'Rescuing' sex workers involves their compulsory transfer by police and non-governmental organizations to government or privately funded rehabilitation facilities. This practice has been criticized for separating women from what may have become extended networks of financial and emotional support, and for detaining women without due process, particularly so in Cambodia, where 'rehabilitation' facilities for sex workers have been shown to be little more than prisons where sex workers are kept without formal charge. The focus on rescue as a primary means of dealing with prostitution, particularly in the Global South, has also been criticized for upholding notions of the village as the idealized, if impoverished, home to which coerced or abducted prostitutes must be repatriated, with or without their consent.

Abolitionist anti-trafficking advocates have ultimately achieved a measure of success in promoting 'rescue' as

a mainstay intervention for prostitution by arguing that eliminating prostitution as trafficking means eliminating another avenue by which migrants may cross international borders illegally. This has effectively empowered governments to further regulate the movement of impoverished laborers. Critics of the implementation of free trade since the early 1990s have argued that free trade agreements have tended to limit the migration of people across international borders, while encouraging the migration of capital, a situation that has led to the production of wealth for some, and a much more tenuous situation for millions of poor migrant workers.

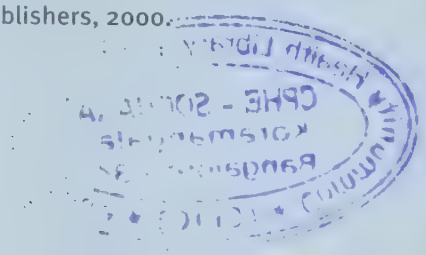
migration & hiv aids

Migration and HIV/AIDS

The issues of consent, representation, subjectivity (especially with respect to who is speaking, and for whom), and agency are rife in the contemporary debate on appropriate legal and civic responses to prostitution and human trafficking. Alongside the feminist debates on pornography, the advent of HIV/AIDS had a profound impact on the ways in which sex work, and sex worker activism, was organized. Discourses on HIV prevention largely centered on female sex workers in the Global South, and eventually necessitated a convergence between sexuality based social movements and feminist movements, as sex workers and their advocates reacted to sex workers being 'spoken for' (as 'vectors,' primarily) rather than being understood as subjects themselves within the epidemic.

In India, the first few cases of HIV infection were identified in 1986, in the southern city of Chennai, among male truck drivers and female sex workers.[8] This was also the point when HIV was identified in numerous countries in Asia and Africa, primarily in urban areas. Countries in both continents experienced similar trajectories of HIV infection, though the magnitude in Sub-Saharan Africa was greater than in other regions. The trajectory of HIV-related interventions in India from this initial period followed from the identification of people in either of these two categories ('prostitutes' or

8 Siddharth Dube, Sex, Lies, and AIDS, New Delhi : HarperCollins Publishers, 2000.



'male migrants') as constituting 'risk groups'.[9] Public health research and media representations of HIV in the U.S. tended to characterize gay men as inevitably diseased through the language of the 'risk group' as well. In Global South countries, on the other hand, especially those in sub-Saharan Africa and South Asia, the epidemic was characterized in public health literatures and the media as being distinct from the American version of the epidemic because HIV in the Global South was occurring 'primarily among heterosexuals.' While activists in the U.S. and Europe struggled to de-link gay male sexuality and HIV, the notion of 'risk groups' in Asia and Africa mobilized the epidemiological data along with the history of conflating female prostitutes and disease, as marked by Levine. In identifying epidemiological trends, some public health and community-based advocates attempted to enforce the notion of 'risk behaviors' rather than 'risk groups,' both within and outside of the U.S. However, the identity-based definition of a 'risk group' continued to organize priorities for targeted HIV prevention. In India, brothel-based female sex workers were the primary targets for prevention and HIV serosurveillance studies.

How HIV/AIDS Changed The Discourse On Prostitution

Until the advent of HIV/AIDS, female prostitution was subject to social stigma and state-sponsored regulations that categorized prostitutes as lacking honor and respectability, as criminals, and as vectors of sexually transmitted diseases (STDs). Although some STDs are potentially fatal without proper treatment, linking prostitution with the still incurable HIV facilitated profound changes in discourses on prostitution. The most significant of these was the shift from seeing female sex workers as morally and physically suspect, to casting women selling sex as potentially among the most vulnerable

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9 E.g., YN Singh and AN Malaviya, "Long Distance Truck Drivers in India: HIV Infection and Their Possible Role in Disseminating HIV into Rural Areas." International Journal of STD & AIDS, 5(2):137-8, 1994; and P. Pais, "HIV and India: Looking Into the Abyss," Tropical Medicine & International Health, 1(3):295-304, 1996.

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groups for becoming HIV infected,[10] and, therefore, as potential vectors of a fatal STD.[11] Hypotheses about the high rate of infection and HIV transmission in brothels and red light districts entered into an already vigorous debate about sexuality and bodily autonomy among feminists. These debates grew to encompass questions about the physical and sociopolitical implications of women and girls selling sexual services to men, and eventually became interpolated into broader questions on the polarities of female agency and powerlessness.[12]

Historically, politically and economically marginalized migrating subjects have been central to public health discourses on the spread and prevention of communicable disease. However, discourses on 'migration' per se have been primarily produced within the purview of the policies and politics of economic development and labor. In other words, public health discourses have traditionally used an understanding of migration as theorized by economics and sociology. Given the relevance of discourses on HIV/AIDS in producing knowledge about poverty and mobility as gendered phenomena,[13] public health discourses with respect to HIV in

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10 Linda M. Whiteford and Lenore Manderson (eds.), Global Health Policy, Local Realities : The Fallacy Of The Level Playing Field, Boulder, Colo. : Lynne Rienner Publishers, 2000; Debabrata Roy, Community Action on HIV for Indian NGOs, New Delhi : Voluntary Health Association of India, c2001; Vimala Veeraraghavan and Shalini Singh (eds.), HIV And AIDS : An Interdisciplinary Approach To Prevention And Management, New Delhi : Mosaic Books, 1999; AK Agarwal, S. Jana, et. al., "The prevalence of HIV in female sex workers in Manipur, India," Journal of Communicable Diseases, 31(1):23-8, 1999; A. Kunte et. al., "HIV seroprevalence & awareness about AIDS among pregnant women in rural areas of Pune district, Maharashtra, India," Indian Journal of Medical Research, 110:115-22, 1999; N. Chatterjee, "AIDS-related information exposure in the mass media and discussion within social networks among married women in Bombay, India," AIDS Care, 11(4):443-6, 1999.

11 Paula A. Treichler, How to Have Theory in an Epidemic : Cultural Chronicles of AIDS, Durham : Duke University Press, 1999.

12 Carole Vance (ed.) Pleasure and Danger: Exploring Female Sexuality, Boston : Routledge & K. Paul, 1984; Lisa Duggan and Nan Hunter, Sex Wars : Sexual Dissent and Political Culture, New York : Routledge, 1995; Wendy Brown, States of Injury : Power and Freedom in Late Modernity, Princeton, N.J. : Princeton University Press, 1995.

13 E.g., Paul Farmer, AIDS and Accusation: Haiti and the Geography of Blame, Berkeley : University of California Press, 1992.

India bear examination, not only for their role in constituting the contemporary category of 'prostitute,' but also for their importance in using and shaping theories of migration. This is particularly useful in discerning which groups are labeled as 'migrants' and which are not, regardless of where, how much, or why they may move from place to place.

The categories 'migrant,' 'truck driver' and 'prostitute' populate numerous public health studies conducted in Asia and sub-Saharan Africa. While populations of both truck drivers and sex workers in India are overwhelmingly constituted by people who have migrated from their place of origin in search of work, the ascription of 'migrant' was kept separate from that of 'prostitute' or 'sex worker' in public health literatures on HIV/AIDS produced in the 1980s and 1990s. For example, of the then potential spread of HIV in India, P. Pais wrote, "As in Africa, infection has been mainly by heterosexual intercourse, with commercial sex workers, long distance truck drivers and migrant labor serving as vehicles of spread."[14] For Pais, as for most other epidemiological researchers of the spread of HIV in India, 'migrant labor' and 'sex workers' were distinct categories. However, the majority of sex workers in India have, at some point in their working lives, migrated for work, or are active migrants currently. In addition, many people throughout India, migrant or otherwise, sell sexual services in more episodic modes and do not identify themselves as 'sex workers' or 'prostitutes' per se. Placed in relation to the discursive distinction between 'migrants' and 'sex workers,' these observations raise the question of how this distinction operates in constituting 'migrant' and 'sex worker' subjectivity vis-à-vis the reiteration of gendered norms which vest men and maleness with mobility, and women and femaleness as something separate from the ability and necessity to move for economic survival.

14 P. Pais, "HIV and India: looking into the abyss," Tropical Medicine & International Health, 1(3):295-304, 1996.

indian

Women, Food + Culture

Indian Women's Movement

The Indian Women's Movement is critical to consider in these historical and ideological contexts because it has comprised spaces for crafting interventions and campaigns that impact sex work, and because it has been a critical space of debates on the politics of feminism, violence, sexuality, and gender. There is a growing scholarly literature on women's movements in India. This literature is read here through the development of the discourses and politics of sex workers' rights in India.

Scholarly work on feminism in India describes the development of women's movements in roughly three contemporary periods: 1) the anti-colonial movements of the late nineteenth and early 20th centuries, while activists were waging successful campaigns for women's suffrage and education, and Indian women became a symbol of the nation, 2) the formation of campaigns, debates and public discussion on ending violence against women framed by emerging women's organizations, including the emergent autonomous women's movement, in the late 1970s and early 1980s, and 3) the women's movement's critical engagement with the rise of Hindu fundamentalism in the 1990s. The contemporary phase of the women's movement ostensibly comprises a "fourth" or ongoing period, which has thus far been marked by women's organizations' engagements with issues related to sexuality (such as LGBT issues, and sex work) that had previously been overlooked or deprioritized,

by a growing set of engagements with anti-caste movements, and by the context of a rapidly changing economy that is manifesting the effects of neoliberal economic policies enacted in the early 1990s. This rough periodization is by no means comprehensive – countless debates and struggles taken up within the rubrics of Indian women's organizations and movements do not conform to these schematic periods. These include, but are not limited to, reproductive health and technology-related debates, women's health, ecofeminism, and the institutionalization of women's organizations in the state and in the NGO sector.

During nationalist and anti-colonial movements at turn of 20th century, a unitary category of 'Indian womanhood' was defined as the repository of Indian values, culture and ideals, and was presented as something that had to be protected. The ideal Indian woman - a Hindu, upper caste, middle class wife – was constructed as a potent symbol of 'Indian womanhood' at a time when the very idea of Indian nationalism was being crafted. 'India' in its modern sense did not yet exist; rather, it had to be defined, and it was defined in relation to a particular set of ideals. The victim/rescue dynamic served its discursive purpose in this context, where 'Indian' authenticity itself was at stake, and an essentialized element of India herself was in need of rescue from the colonial state. The rubrics of rescue and protection may be thought of as embedded in ideas about women around the world, and are relevant to consider here because they inform so much policy on prostitution. The idea of rescue is embedded in internationalized feminism, the hegemonic version of which has been institutionalized within the anti-trafficking lobby. In the international arena, this group of advocates' political roots can be traced back, in part, to the vigourous feminist anti-pornography movement of the early 1980s.

Where violence against women became the galvanizing issue for the rise of contemporary feminist movements, pornography often became the way that feminist movements abstracted violence against women beyond individual cases of violence.

Just as some feminists argued that pornography was 'rape on paper' and should be censored by the state, prostitution was later seen as an abstracted, universalized version of violence against women. The commoditization of sex acts was, for these feminists, the ultimate oppression committed against all women. This perspective on prostitution has been influential insofar as it creates the gravitational pull of the mainstream feminist argument against prostitution, and the reason why we must ask about the relationship between sex workers' and feminist groups, rather than seeing both as part and parcel of the same set of politics. The important difference on this issue between Indian women's movements and women's movements in the US and UK is that, while Indian women's movements also took a position on pornography as being a manifestation of violence against women, they had an ambivalent position on whether or not to ban pornography by law, unlike their Western counterparts. In the West, by contrast, anti-pornography feminists called clearly for the state to outlaw pornography, endorsing state-sponsored censorship of materials depicting sex.

This ambivalence about the role of the state in matters relating to sex and sexuality is apparent today as well; while many feminists may argue that prostitution is harmful, the proposed responses to prostitution are many, and are not limited to calling for more powerful state-sponsored control. This view may be traced to a perspective on the state that is informed by historical moments like the Emergency, when social activists were directly targeted by the government in repressive measures that spanned from 1975 to 1977, or like the current Operation Green Hunt, where the state has engaged in a campaign against 'domestic terrorism' while seemingly circumventing democratic process in favor of protecting corporate mining interests in the so-called Naxal belt. Historically, if members of women's organizations in India were critical of prostitution, that critique was embedded within a larger critique of patriarchal power that doesn't necessarily merit state intervention. While 'patriarchy' is still a concern for the women's movement, issues like prostitution

have become more distinct as both an object and subject of discourse. Prostitution can be acted upon individually and discretely as a distinct, separate social concern. Seen in this light, it can be acted upon by the state and further criminalized in law. Attempts have been made in this direction in recent years by anti-prostitution abolitionists, though a robust sex workers' rights movement and its allies has been able to keep these kinds of measures at bay thus far.

the growth of a sexual revolution

The Growth of A Sex Workers' Movement

"The tendency to turn towards the state for protection, rather than questioning state power to regulate and discipline, is one that [Wendy] Brown sees as especially problematic for feminism. She notes women have particular cause for greeting such politics with caution. Historically, the argument that women require protection by and from men has been critical in legitimating women's exclusion from some spheres of human endeavor and confinement within others. Operating simultaneously to link "femininity" to privileged races and classes... protection codes are also markers and vehicles of such divisions among women. Protection codes are thus key technologies in regulating privileged women as well as intensifying the vulnerability and degradation of those on the unprotected side of the constructed divide between light and dark, wives and prostitutes, good girls and bad ones."[15] (2001:20)

Jo Doezema's argument here summarizes some of the core issues at stake in the spaces between abolitionist feminist and sex worker organizations. Advocates seeking to abolish prostitution have relied on a strategy which centers codifying liberal states' legal protection of women. This has come at the cost of "legitimating women's exclusion from some spheres of human endeavor and confinement within others." Studying this strategy reveals liberal feminist engagements with the state, in that prostitution is theorized by

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15 Jo Doezema. "Ouch! Western feminists' 'wounded attachment' to the 'third world prostitute.'" Feminist Review, No. 67, Spring 2001 pp. 16-38.

abolitionists as being both equivalent to, and fundamentally caused by, violence against women, and that it should be stopped by criminalizing transactional sex. The rhetorical foundation of violence against women is the basis on which remedies to manifestations of that violence, embodied for abolitionists as prostitution, are conceived. Primary among these remedies is the criminalization of prostitution and the rescue of people, thought of mainly as women and girls, who sell sexual services. This strategy has found favor with governments, and has spawned anti-trafficking work as a growth sector in international development work. There are a number of reasons for this, including the ways in which anti-trafficking work dovetails with anti-migrant policies and the enforcement of tighter border control. In addition, in a political environment in which feminists have been able to hold governments accountable, to a degree, to ensure legal rights, protections, and access to opportunities for women, government support for anti-trafficking programs is an important gesture in promoting the image of a state that is responsive to women. Supporting anti-trafficking work has, in effect, become a proxy for governments showing their commitment to women, and to the notion of gender equality, because of the symbolic value that anti-trafficking work has attained for feminism. By supporting an agenda that is 'feminist,' governments may argue that they are supporting the expansion of the rights of women, without accounting for the multiplicity of feminist positions, while fulfilling other goals, including stronger border controls and more police regulation of visible, urban sex work.

At the same time, consolidated sex workers' organizations have entered the fray, and, in several countries, have initiated a process by which governments have had to recognize the array of positions on these issues. These organizations emerged in the past 25 years through the advent of HIV/AIDS, which led to numerous political developments, including the rise of patient-led, health activism, and the rise of sex worker organizing in countries like India. Organizations like SANGRAM in Southern Maharastra and the Durbar Mahila Samanwaya Committee (DMSC) in Calcutta both emerged in

the 1990s, in the wake of HIV/AIDS and, like their Western activist counterparts, were drawing connections between HIV and other concerns, including migration, livelihood, and housing, and access to basic services. Sex workers' organizations grew from HIV prevention outreach projects formed by non-sex worker activists, in the early 1990s, to organizations that had sex worker-led initiatives and legions of sex worker advocates and peer educators by the early 2000s.

Because of the prominence of the force/choice dyad (i.e. whether a person selling sexual services is doing so voluntarily or because they are being forced) in structuring the question of prostitution itself, sex workers' organizations have necessarily taken up the question of agency. Although the term 'agency' does not mean 'choice' or 'free choice,' the term 'agency' in both women's rights organizing and in sex workers' organizing has often been used in place of 'choice'. The term 'agency' in anthropological and Marxist scholarship has been attached to critiques of power which use 'agency' as a way of identifying and describing individual actions within the context of structures like class. 'Agency' is best described as consisting of minute, individual, and contextualized negotiations of structural power.

The necessity of an engagement with the notion of 'agency' by sex workers' organizations and their allies is complex, and has arisen from the necessity to engage with the force/choice dyad. This dyad is an oppositional and individualist framing of the two avenues by which abolitionists, and the mainstream media, have understood that women and girls enter sex trades. Sex worker activist groups, and their allies, have the opportunity to reframe the question of choice to one of 'agency' in relation to structures like class or poverty, a reframing that would allow for more contextualizing factors like livelihood, free trade, and state violence to be considered in the debate on sexual commerce.

Reframing the debate through a more nuanced use of 'agency' is on the agenda for new movement alliances that

are emerging at the intersections of sexual commerce and governance. These alliances include LGBTQ groups and feminist groups that have a vested interest in governments and civil society taking on a more progressive, structurally integrated approach to sexuality. The Indian autonomous women's conference statement at the beginning of this paper is one example of this. LGBTQ alliances, such as the alliance between queer and sex worker organizations during the 2004 World Social Forum (WSF) is another example; this alliance made the concerns of sexual minorities visible at the WSF, and called into question the notion that sex workers are only, or primarily, women. More broadly, the alliance between LGBTQ and sex workers' organizing highlights the ways in which people who are categorized as sexually non-normative have shared concerns regarding social stigma and the regulation of their lives by the state.

While these alliances are promising, and much needed, other alliances have yet to be manifested. In this regard, the distance between the sex workers' and the dalit rights movements in India is notable. Because a significant number of street and brothel based sex workers in India are from scheduled castes and tribes, it follows that sex workers' rights may be of interest to the anti-caste movement. The reasons why this alliance has yet to be may be linked with the debate on the relationship between caste and prostitution, and whether prostitution is seen as a manifestation of caste-based oppression, or as a way to negotiate this oppression in order to achieve a better livelihood than what would otherwise be available. In addition, alliances between the sex workers' movement and the organized left are in flux. Some left and new left organizations have endorsed sex workers' demands for greater recognition as members of a labor sector requiring the protection afforded by trade unions, the National Trade Union Initiative's recognition of the Karnataka Sex Workers' Union in 2008 being a case in point. At the same time, major segments of the left remain ambivalent on whether or not to regard sex work as labor.

conclusion

Conclusion

In this paper, I have discussed the intersecting histories of pornography, prostitution, and feminism, and the theoretical and strategic implications these histories have for contemporary sex workers' social movements. The historical examples I have discussed here have focused on India. While I have emphasized developments that can be used to derive a generalized historical framing for the development of sex work-related movements, these histories cannot be universalized to every national context in the Global North and South. Rather, the history of the debates help to contextualize international policy initiatives on sex work and human trafficking introduced over the past decade.

The histories of feminist debates and the evolution of positions on sex work in other countries would necessarily read differently to those in India. Sweden, for example, which is internationally promoting the criminalization of clients, rather than sex workers, as a humane and politically salient approach to criminalizing prostitution, has a markedly different feminist history.

"In Sweden, however, the [anti-pornography] sex wars never happened, and the feminist sexual critique associated outside Sweden with writers like MacKinnon and Dworkin established itself as the hegemonic form of state feminism. (In fact, the Swedish government regularly invites [abolitionist]

feminists like [Sheila] Jeffreys and [Janice] Raymond as keynote speakers at seminars on sexuality.) Exactly how this happened has not been documented. It is clear, though, that during the 1970s many women who were active in the leftist feminist organizations opposed to "sexliberalism" moved into positions of power in politics, the media, the academy, and the trade unions."[16]

In evoking, and aiming to contextualize, these histories and concepts, this paper raises more questions than it resolves. These questions include the future of sex worker organizing, and the alliances that this work will spawn. The question of the nature of the sex worker movement itself rests at the center of this debate – what constitutes, for example, sex worker-led organizing? How much of the sex workers' rights movement is sex worker-led? What does this mean, and where and how, is it important? What racialized, North/South dynamics is the movement, as it exists today, producing or perpetuating? These questions are, in turn, contextualized by the geopolitics of trade, nationalism, sovereignty, and migration, and may themselves produce new ways of framing the politics of sex work and social movements around the world.

Ultimately, feminists are divided on the issue of transactional sex, such that the debate on prostitution and human trafficking is itself iconic for its polarizing effects on women's movements. In South Asia, and elsewhere, a growing number of activists, particularly in autonomous women's movements, are adopting a pro-sex worker stance, as the effects of criminalizing prostitution become more apparent. Documentation of the harassment, extortion, and physical abuse that sex workers face as a result of being criminalized[17] has contributed to this shift. As a result, mainstream feminist positions on transactional sex are becoming more

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16 Kulick, Don. "Four Hundred Thousand Swedish Perverts." GLQ, 11:2, 205-235, 2005:212.

17 Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World, The Global Alliance Against Trafficking in Women (GAATW), 2007.

complex. While this shift bodes favorably for a more critical, progressive view on sex work, challenges remain in forming the alliances needed to make fundamental changes to the way prostitution is currently governed. While some of these challenges are familiar ones, e.g. the problem of accounting for racial, class, sexuality and caste-based differences among feminist constituencies, some challenges are new, e.g. the challenge of rethinking the feminist project in light of the institutionalization of some of the most normative aspects of women's movements. Nevertheless, all of these challenges will no doubt be met, as ever, through continued debate, analysis, negotiation, and as yet unimagined strategies for organizing.

CREA is an international feminist, human rights organization based in New Delhi. CREA promotes and advances women's human rights and sexual rights of all people by strengthening feminist leadership, organization and movements; influencing global and national advocacy; creating information, knowledge and scholarship; changing public attitudes and practices; and addressing social exclusion.

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